

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD EUGENE JAMES,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendant.

No. 2:22-cv-02193-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. Nos. 17, 39)

Plaintiff Ronald Eugene James is a county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 14, 2023, the assigned magistrate judge screened plaintiff's sixth amended complaint and found that plaintiff had stated cognizable Fourteenth Amendment claims against defendants Lynette, Alana, Babu, and Kuzmenko for deliberate indifference to plaintiff's serious medical needs (failure to provide adequate medical care), and cognizable Fourteenth Amendment excessive use of force claims against defendants Saucedo, Little, John Doe 2, and the unnamed deputies who had allegedly "rushed [plaintiff], brought him to his feet, and pushed him against a

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1 wall.” (Doc. No. 39 at 6.)¹ The magistrate judge further concluded that plaintiff had failed to
2 state any other cognizable claims against these defendants, and that plaintiff had failed to state
3 any cognizable claims against named defendant Sacramento County Sheriff’s Department and
4 named defendant County of Sacramento. (*Id.* at 3–4.) Accordingly, on July 14, 2023, the
5 assigned magistrate judge issued findings and recommendations recommending that this action
6 proceed only on the claims found to be cognizable in the screening order and that all other claims
7 and named defendants be dismissed from this action due to plaintiff’s failure to state a cognizable
8 claim against them. (*Id.* at 6.) The pending findings and recommendations were served on
9 plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)
10 days after service. (*Id.* at 7.) On June 9, 2023, plaintiff filed a document with several titles in the
11 caption, including objections to the findings and recommendations. (Doc. No. 44.)

12 Although the caption of plaintiff’s filing suggested that he had included objections to the
13 findings and recommendations, plaintiff has not actually objected to the findings and
14 recommendations. Rather, plaintiff expresses therein his disagreement with the magistrate
15 judge’s rulings with regard to plaintiff’s discovery requests and a defendant’s motion to stay
16 discovery. (*Id.* at 2–4.) Thus, to the extent plaintiff’s filing can be construed as objections to the
17 findings and recommendations, those objections do not provide any basis upon which to reject the
18 pending findings and recommendations.

19 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
20 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s
21 objections, the court concludes that the findings and recommendations are supported by the
22 record and by proper analysis.

23 Accordingly,

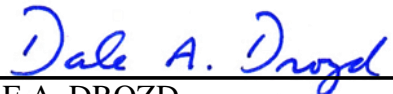
- 24 1. The findings and recommendations issued on July 14, 2023 (Doc. No. 39) are
25 adopted in full;

26 ¹ The undersigned notes that the findings and recommendations appear to mistakenly list all of
27 the defendants in the analysis section discussing plaintiff’s cognizable excessive use of force
28 claims, even though those claims were not brought—and indeed have not been sufficiently
stated—against defendants Lynette, Alana, Babu, and Kuzmenko. (Doc. No. 39 at 3.)

2. This action shall proceed on plaintiff's Fourteenth Amendment deliberate indifference claims against defendants Lynette, Alana, Babu, and Kuzmenko and plaintiff's Fourteenth Amendment excessive use of force claims against defendants Saucedo, Little, John Doe 2, and the unnamed deputies referenced in the screening order dated July 14, 2023 (Doc. No. 39);
3. All other claims brought by plaintiff in this action are dismissed;
4. Defendant County of Sacramento and defendant Sacramento County Sheriff's Department are terminated as named defendants in this action;
5. The Clerk of the Court is directed to update the docket to reflect that defendants County of Sacramento and Sacramento County Sheriff's Department have been terminated from this action;
6. To the extent the findings and recommendations issued on April 5, 2023 (Doc. No. 17) remain pending, those findings and recommendations have been rendered moot by this order; and
7. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: September 24, 2023



DALE A. DROZD
UNITED STATES DISTRICT JUDGE